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Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina

I. Introduction

1. The present report is submitted pursuant to paragraph 20 of Security Council resolution 1247 (1999) of 18 June 1999, by which the Security Council extended the mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) for 12 months, until 21 June 2000. It details the progress achieved by the Mission since my report of 15 March 2000 (S/2000/215) and reviews activities conducted jointly by UNMIBH and other parts of the United Nations system in Bosnia and Herzegovina.

2. The Mission continues to be led by my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Jacques Paul Klein. The Mission's International Police Task Force (IPTF) is led by Commissioner Vincent Coeurderoy who succeeded Detlef Buwitt on 5 April. Owing mainly to requirements in Kosovo and elsewhere, for much of the past year the actual strength of the Task Force has been below its authorized strength of 2,057; its current strength stands at 1,602 (see annex).

II. Activities of the Mission

Police registration and minority recruitment

3. Since 1 March 2000, an additional 4,000 police officers have been registered in phase 1 of the Law Enforcement Personnel Registry programme (see S/1999/1260, para. 3), bringing the total to nearly half the ceiling of approximately 20,000 police officers. Of those registered so far, 2,295 have by now been authorized to exercise police powers and have been issued UNMIBH identification cards; 2,600 have been pre-screened and provisionally authorized, pending more detailed background checks; and the remainder are still at the pre-screening stage. The conclusion of the registration programme in approximately 18 months will result in the first transparent and comprehensive personnel data bank of all authorized police officers. As an essential part of the programme, on 15 May UNMIBH finalized and issued comprehensive policy instructions to regulate all aspects of recruitment for the local police forces and authorization to exercise police powers.

4. UNMIBH continues to assist the local authorities in fulfilling their obligation to ensure an adequate minority representation in their police forces, as stipulated in the 1996 Bonn-Petersberg Agreement for the Federation and the 1998 Framework Agreement for the Republika Srpska. The main mechanisms to achieve this goal are recruitment of minority cadets for the police academies; voluntary redeployment of serving minority officers between the entities, namely the Republika Srpska and the Federation; and encouragement for displaced and refugee former police officers to return to their pre-war homes and rejoin local police forces. For this latter purpose, UNMIBH is initiating a publicity campaign to attract former serving officers and has developed a shortened refresher training course with the police academies to assist those officers in reintegrating into the police corps.

5. Steady progress continues in the recruitment and selection of minority cadets for the police academies in both entities. A total of 393 minority police officers are attending or have graduated from the two police academies — 203 in the Federation academy, and 190

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in the Republika Srpska. Over 4,000 applications have been received for 120 positions in the third class of the Federation academy, which is scheduled to begin on 31 July. This reflects strong interest by the local community in joining an increasingly professional and transparent police service. The Republika Srpska academy is preparing procedures for the selection and testing of cadets for the fourth class, scheduled for September.

6. In order to facilitate the redeployment of police officers across entity lines, an agreement on voluntary deployment of serving police officers wishing to return to their former place of employment was worked out under the auspices of the recently formed Ministerial Consultative Meeting on Police Matters (see S/2000/215, para. 5) and signed by the Prime Ministers and Ministers of the Interior of both entities on 12 May 2000. This agreement contributes to the prospects for multi-ethnic policing by specifying the entitlements of police officers who join the police force in the other entity, including their pension rights, salaries and recognition of prior experience and qualifications. The UNMIBH housing action team (ibid., para. 18) is identifying housing and other requirements for a target of 200 police officers to be voluntarily redeployed between the entities this year.

7. Despite these efforts to ensure an adequate representation of minorities in the local police, progress has not been satisfactory. In the Federation, there is no significant recruitment of minority police other than cadets recruited and trained at the Federation academy. Out of approximately 11,500 officers, the Federation has, according to its own figures, just over 600 minority police officers. The — admittedly very ambitious — target figures of the Bonn-Petersberg Agreement remain far from being met. In a positive move, recruitment of ethnic majorities has ceased following UNMIBH intervention, and thus the ethnic imbalance is at least not worsening. UNMIBH has also ensured that, in the Croat-majority cantons, cadets trained in Zagreb are no longer recruited.

8. In the Republika Srpska, the situation is even more disappointing. Little progress can be reported on minority recruitment and almost none of the benchmarks in the 1998 Framework Agreement has been met. There are currently only 57 minority police officers in a force of approximately 8,500. This figure is less than the 182 minority officers who served at the end of last year because, with the establishment of the independent Brcko district police force, minority officers there were removed from the Ministry of the Interior employment roster of the Republika Srpska. As in the Federation, following UNMIBH intervention, recruitment of members of the ethnic majority into the Republika Srpska police has ended. The use of ethnic insignia on the Republika Srpska police uniform will be an issue of contention which may become a further stumbling block for minority recruitment.

Police reform

9. Efforts to reduce political interference in police matters and to institute a single chain of command by establishing a police commissioner post in cantonal police services continue at a steady pace (see S/2000/215, para. 6). UNMIBH and the Ministry of the Interior of canton 9 (Sarajevo), where a pilot project was launched in February 2000, have now agreed on a job description and selection and review procedures, as well as on the necessary structural changes in the Ministry. Preparations for political and legal implementation are ongoing. Discussions on a similar position in the Federation Ministry of the Interior are at an advanced stage. A police commissioner post is also an integral part of the structure of the State Border Service.

10. The formerly separate Bosniac and Croat specialized police forces in the Federation were integrated in January 2000 and continue to undergo training in crowd control and major incident management by IPTF. In the Republika Srpska, the selection of qualified members for a new specialized police service has begun; it will include a small number of selected and retrained officers of the former Police Anti-Terrorist Brigade. The transfer of the supervision of the remaining personnel of that Brigade from the multinational stabilization force (SFOR) to UNMIBH is imminent, so as to ensure that these personnel do not illegally enter the civilian police force. Separately, in order to improve the confidence of minority police, UNMIBH is working with SFOR in seeking to ensure that intelligence agencies are not co-located with civilian police forces.

11. The formation of a court police service, a constitutional requirement in Bosnia and Herzegovina, remains in its initial stages. In the Republika Srpska, the necessary legal framework has still not been established. In the Federation, where nascent court police services exist in 3 of the 10 cantons, the lack of

adequate budgetary provisions limits their effectiveness. Until court police services are fully established, the independent and effective work of the judicial institutions will be hampered by poor security arrangements and the lack of enforcement of court orders.

12. Intensive efforts to achieve physical and functional integration of parallel police structures in the Croat-dominated canton 7 (Herzegovina-Neretva) of the Federation have begun to bear fruit. On 18 May, the Cantonal Assembly endorsed an UNMIBH-brokered agreement on a permanent solution and interim measures for the immediate integration of the divided Ministry of the Interior. This ground-breaking agreement enables Bosniacs to work with their Croat counterparts in west Mostar for the first time since the war. Another significant development with respect to integration in canton 7 was the appointment of judges from different ethnicities to the nine new municipal courts. This should make it possible for the processing of long-delayed criminal cases to recommence. Much must be done now to sustain and consolidate momentum and achieve full integration of the police and judiciary in transparent and accountable structures.

13. With respect to Bosniac majority cantons, the positive effects of the removal in November 1999 of obstructionist officials in canton 1 (Una-Sana) are now starting to permeate the police and judicial structures. The contracts of 40 police officers have been terminated by the new Minister of the Interior on grounds of fraud. UNMIBH has worked closely with the new authorities to secure important changes in senior police management. Similar progress has been made in canton 4 (Zenica-Doboj) where local Bosniac authorities have cooperated with UNMIBH to improve the confidence of the Croat minority in Zepce. These developments show yet again that progress is possible when local political authorities work with, not against, the international community.

14. In the Republika Srpska, spontaneous minority returns are beginning, but they are not being encouraged or supported, especially when they affect the main towns. Evictions of "double occupants" in towns have been carried out exceedingly slowly. Little progress has been seen following the Agreement of March 2000 between the Republika Srpska and Croatia to begin cross-border refugee returns within three months. A complicating factor is the fact that, in the period leading up to the fifth anniversary of the Srebrenica massacre, the situation in that area is becoming volatile. On 8 May, a violent protest prevented Bosniac women from commemorating the anniversary of the ethnic cleansing of Bratunac. The local police in Srebrenica also recently demonstrated insufficient will to provide adequate security to the Bosniac Mayor, whose house, 20 metres from the police station, was burgled.

Police training

15. The training of local personnel who will in turn provide competent training to all local police is making good progress. In the academies, the transitional training and human dignity courses are now completely run by local instructors. In order to ensure nationwide consistency in police standards, the training infrastructure in both entities is being harmonized. The remaining community policing, traffic awareness and management courses will use the new training infrastructure. More attention is being paid to specialized training that focuses on key areas in support of national and international priorities. These include advanced surveillance techniques to fight organized crime and drug trafficking, an economic crime and corruption course, courses on business structures and local financial crime law for experienced investigators, and courses on combating automobile crimes and prostitution.

Human rights

16. UNMIBH continues to investigate allegations of human rights violations by law enforcement agencies. In conjunction with the International Organization for Migration, UNMIBH has assisted in 43 cases involving 185 foreign nationals brought into the country for the purpose of forced prostitution. Of these, 65 have asked for assistance and have been or are in the process of being repatriated. Six persons have been arrested and prosecutions commenced for crimes related to trafficking. A comprehensive report on trafficking in human beings was recently completed by UNMIBH in cooperation with the Office of the United Nations High Commissioner for Human Rights.

17. Over the last months, the UNMIBH human rights office has broadened its approach from investigating individual cases to improving the institutional integrity of the police forces. This is exemplified by the police commissioner project (see para. 9 above), the standardization of arrest and custody procedures and

the audits of the Ministries of the Interior and the police academies. These concrete projects and activities aim at improving the transparency, accountability and self-correcting mechanisms of the local law enforcement agencies.

18. In support of minority returns, and to ensure that police officers are a positive example to the community, UNMIBH has adopted a stricter policy on local police illegally occupying residential premises. In the course of the registration programme, they now face a loss of authorization to exercise police powers if they do not vacate those premises after a court decision is taken. Police officers who declare at the time of registration that they are illegal occupants are given a grace period of one month to vacate their premises before "de-authorization". Those officers who fail to declare at the time of registration that they are illegal occupants are immediately "de-authorized" when UNMIBH becomes aware of their housing status.

Common institutions

19. The multi-ethnic Brcko district police force is functioning even though the necessary legal framework for full operations is still not fully in place. On 15 March, financial responsibility for the service passed from the entities to the district administration which, for the first time, paid the police salaries, making the force financially independent from the entities. All 298 police officers of the district have been registered and provisionally authorized by UNMIBH. On 17 April, with the generous assistance of the Government of the Netherlands, UNMIBH distributed new uniforms to the officers. On 25 May, full IPTF co-location was achieved in all Brcko district police stations. The Mission's current activities in Brcko include a mid-term review and evaluation of police performance; preparation of the book of rules for the district police; specialized training in management and criminal investigations; and the integration of the police administration. IPTF levels in the district are being reviewed so that they can be adjusted in accordance with progress made and redeployed to other high priority regions.

20. On 6 June, the first State Border Service entry point will be opened at the Sarajevo airport. The directors of the State Border Service have worked closely with UNMIBH in preparing the necessary legislation and regulations, designing uniforms and insignia and agreeing on measures to enhance the multi-ethnicity of the Service. The interim headquarters has been established and the senior management structure is being appointed by means of a thorough and open selection process which has set a new standard for local law enforcement agencies. Three operational support teams have been deployed to the crossings at Doljani, Izacic and Zvornik, which will be fully covered by the Service by mid-year. This tangible progress has elicited generous offers of assistance for training, equipment and budgetary support from several donors, including Germany, the Netherlands, Switzerland, the United States of America and the European Commission. Together with the financial commitment from Bosnia and Herzegovina, this assistance will permit the establishment of a further 6 to 8 border service units this year. On 24 May, thanks to the generous assistance of the United Kingdom of Great Britain and Northern Ireland, the first 140 new State Border Service uniforms were delivered.

Judicial system assessment

21. The UNMIBH judicial system assessment programme, which was established by resolution 1184 (1998), will be concluded by December 2000. Envisaged as a necessary complement to the work of IPTF, over a period of two years the programme has monitored and assessed the court system, including criminal, civil and administrative procedures, as well as general systemic issues such as the structure, financing and independence of the judiciary. Its findings have been that the entire judiciary is — to a greater or lesser degree — politically, professionally and structurally dysfunctional throughout Bosnia and Herzegovina.

22. During its activities, the UNMIBH judicial programme, working under the overall coordination of the Office of the High Representative, has created an outstanding working relationship with the judiciary and local officials, advised the judiciary on a daily basis, produced more than a dozen substantive reports on different aspects of the judicial system, including recommendations for legislative, structural and political reform, monitored cases and worked with IPTF on joint police/judiciary issues. Through the introduction of significant amendments to the laws on judicial service in both entities, as well as the drafting of internal rule books for the judicial service commissions, the Mission's judicial experts have

played a crucial role in creating the necessary legal framework for the judicial review of all judges and prosecutors in Bosnia and Herzegovina.

23. My Special Representative is in discussion with the Office of the High Representative to find an effective way of handing over the work of the Mission's judicial system assessment programme seamlessly to an organization — such as the Council of Europe, which has expressed readiness to consider taking on the programme, the Office of the High Representative itself or an appropriate United Nations agency — that can guarantee the same degree of professional competence in this vitally important work. In order to assist and advise IPTF in the implementation of its mandate with respect to judicial organizations and activities, UNMIBH will retain appropriate expertise within the Mission.

III. Joint activities of the United Nations system

24. UNMIBH supports a wide range of activities by the United Nations system of organizations. In the first quarter of this year, minority returns registered by the Office of the United Nations High Commissioner for Refugees (UNHCR) quadrupled, from 1,711 in 1999 to 7,300. Security incidents related to the greater number of returns to rural areas have also increased in both entities. UNMIBH has responded by developing, jointly with local police forces, security plans on the local and regional levels to determine what needs to be done before, during and after returns. Most plans involve local police support for active engagement and community policing. This process also relies on field-level consultations between IPTF, the local police, community leaders, associations of displaced persons, SFOR and UNHCR.

25. UNMIBH and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have worked closely on education and other matters. On 5 May, UNMIBH hosted a meeting at which an education cooperation agreement was signed between the Rector of the University of Rome La Sapienza and rectors of universities in the entities. UNMIBH has organized a panel on the role of international organizations in peacekeeping for a workshop on international organizations and conflict resolution intended to bring about an exchange of views between European and Bosnian students. Proposals are being developed jointly with UNESCO to raise funds for a detailed study on the feasibility of a unified multi-ethnic liberal university for Bosnia and Herzegovina. There is also close cooperation with UNESCO on plans for the reconstruction of the old bridge at Mostar.

26. As noted above (para. 16), a joint report on trafficking in human beings in Bosnia and Herzegovina was produced by the Office of the United Nations High Commissioner for Human Rights and UNMIBH in May 2000. A human rights training programme for IPTF monitors and certain SFOR personnel, organized by the Office of the High Commissioner, began in early March. A pilot project on violence against women, organized jointly by the Office of the High Commissioner, UNMIBH and the local non-governmental organization Medica Zenica, has resulted in the formation of a group within the cantonal Ministry of Justice to correct legislative shortcomings in addressing violence against women.

IV. Trust funds

27. Of the US$ 20.9 million which have so far been contributed to the Trust Fund for the Restoration of Essential Public Services in Sarajevo, $19.4 million had been disbursed, inclusive of programme support costs, as at 31 December 1999. A total of 442 projects have been implemented in the fields of energy, water, sanitation, communications, public transport, health, education and shelter. The balance is being utilized for funding important high visibility projects in Sarajevo. Contributions of $10.9 million to the Trust Fund for the Police Assistance Programme in Bosnia and Herzegovina have been utilized for the procurement and distribution of vehicles, uniforms, computers, communications equipment, office furnishing, generators, training equipment and tools for police in both entities and in Brcko. In addition, necessary training was provided to the first United Nations civilian police contingent in Bosnia and Herzegovina and for essential alterations or renovation work in many police facilities.

V. Financial aspects

28. In my report on the financing of UNMIBH (A/54/712) which is currently before the General

Assembly, the budget for the maintenance of the Mission for the period from 1 July 2000 to 30 June 2001 amounts to $153.6 million. In its related report (A/54/841/Add.6), the Advisory Committee on Administrative and Budgetary Questions proposed an appropriation of $150 million. Therefore, should the Security Council extend the mandate of UNMIBH for a further 12-month period, as recommended in paragraph 39 below, the cost of the extension would be limited to that amount.

29. As at 15 May, unpaid assessed contributions to the special account for UNMIBH amounted to $53.5 million. The total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $2,078 million.

VI. Observations

30. The United Nations Mission in Bosnia and Herzegovina, as a mission concentrating on establishing mechanisms for the rule of law, has a specific but vital role in peace implementation in Bosnia and Herzegovina. Without effective local police and judicial institutions, all efforts by the international community for self-sustaining peace will be incomplete.

31. During the past 12 months, UNMIBH has achieved significant results. The State Border Service and the multi-ethnic Brcko district police force were established. Specialized police units in the Federation were integrated. Data collection and initial registration for the Law Enforcement Personnel Registry have proceeded quickly. The benefits of police training were demonstrated during the municipal elections when local police showed themselves capable of carrying out their duties professionally. The new focus on specialized training to fight corruption and organized crime contributes to international priorities in these areas. In addition, building on the success of the two police academies, important initiatives were taken to accelerate recruitment, voluntary redeployment and return of minority police. This important ongoing programme requires urgent donor support to facilitate housing reconstruction for returning minority officers.

32. I particularly commend the recent breakthrough in the Herzegovina-Neretva canton which, for the first time since the war, allows Bosniacs to work in Croat-dominated west Mostar. This is a positive response to the statement made by the President of the Security Council during the meeting of the Council on 22 March 2000, in which he, *inter alia*, urged those concerned to ensure without further delay the integration of the Ministry of the Interior and its organizational and communication systems throughout the Federation, in particular in Mostar. By agreeing to the integration of the Ministry of the Interior and the unification of police communication channels, as well as to the full multi-ethnic integration of the municipal and cantonal court system, Croat leaders have taken important initial steps to demonstrate their willingness to become a constructive partner in the peace process.

33. Recent achievements require consolidation. Moreover, UNMIBH must now also address core mandate areas where little progress was possible in the past. Recruitment of minority police officers lags seriously in both the Federation and the Republika Srpska. The past years have shown that it is difficult to move faster on minority representation in the police than in other areas of the society at large, but there is currently a danger that minority recruitment in some areas may fall behind minority returns. Once minority officers are recruited, constant IPTF monitoring will be needed to ensure that they are treated fairly and fully integrated into the force. Linked to minority recruitment is the issue of finding adequate housing for returning minorities, including returning police officers. Furthermore, minority returns have led, in too many locations, to violence directed against returnees. UNMIBH will have to continue, through patrolling and advising, to closely monitor police performance, especially with regard to the ethnic minority population.

34. In order to provide more focus to the Mission's work, all UNMIBH components have begun the preparation of a strategic and operational framework for the fulfilment of the core mandate of the Mission by December 2002. At that time, the Law Enforcement Personnel Registry should be completed and it should thus be ensured that all police officers meet the established selection criteria. The organizational structure of the police forces should incorporate the necessary mechanisms to ensure an acceptable amount of accountability and transparency, as well as freedom from political interference. In addition, significant progress should have been made towards establishing an acceptable ethnic and gender balance in the police officer corps and mechanisms for ongoing

improvement in this area should be well established. Starting from this analysis of the desired end-state, UNMIBH will identify specific achievable goals to complete its mission successfully, the programmes and modalities that will be used to achieve those goals, and a time line for the completion of each programme. An integral part of the planning process will be the continuous review of necessary resource levels and progressive resource reallocation and reduction as programme objectives are met. Thought will also be given to possible follow-up arrangements to address residual tasks once the core mandate is implemented.

35. Despite a recent increase, the rate of return of refugees and displaced persons is still unsatisfactory and far below expectations. This is particularly the case with regard to persons from areas where they would now be in the ethnic minority. In still too many cases, the lack of will and ability of the local police forces to provide adequate security for such minority returns is one of the reasons for the slow rate of return. UNMIBH is paying close attention to this part of its mandate and will continue to focus on it.

36. Of particular importance for the establishment of the rule of law is the relationship between the police and the judiciary. The excellent work of the UNMIBH judicial system assessment programme in assessing the court system, as well as general systemic issues such as the structure, financing and independence of the judiciary, has led to the conclusion that a large part of the judiciary is dysfunctional. As indicated earlier in this report (para. 23), when the future of overall judicial reform in Bosnia and Herzegovina is considered, I would urge that the new arrangements to be put in place are designed so as to ensure that the knowledge and experience gained by UNMIBH over the past 18 months is not lost and that the benefits deriving from its important work are fully utilized.

37. I am grateful to Member States for their support of the trust funds administered by UNMIBH. However, some $40 million is still required by UNMIBH to support the operations of the State Border Service, sustain police restructuring including minority recruitment, and attain a necessary minimum standard of police efficiency and competence in specialized areas, including management. Since the international community continues to support the Mission's efforts, I am confident that Member States will come forward with generous contributions to the Trust Fund for the Police Assistance Programme in Bosnia and Herzegovina.

38. In the meantime, UNMIBH will continue to need an effective SFOR presence to ensure the security and safety of its personnel and property, as well as the political support of the High Representative to remove obstructionist officials when necessary. It is also hoped that the Security Council and Member States with influence on the parties will put their weight behind UNMIBH. Ultimately, however, the success of the Mission's work depends on the cooperation of the people of Bosnia and Herzegovina. Acceptance of personal accountability and responsibility by local leaders is crucial in this endeavour. I encourage the people and their leaders to focus on the future by contributing fully to the development of fair and democratic institutions in Bosnia and Herzegovina.

39. Nearly five years after the end of the war, there are visible and encouraging signs that peace is taking root. At the same time, there is still much work to be done. The United Nations is proud to be playing a part in helping the people of Bosnia and Herzegovina to establish the foundations of a modern democratic State inside Europe. I therefore recommend that the Security Council extend the mandate of UNMIBH for a further 12-month period, that is, until 21 June 2001.

40. In conclusion, I should like to express my appreciation to the men and women of UNMIBH for their dedicated work for peace in Bosnia and Herzegovina. Special recognition is due to Detlef Buwitt who recently left the Mission after 12 months of thorough and determined service as Commissioner of the International Police Task Force.

Annex

Composition of the International Police Task Force as at 26 May 2000

Argentina	18
Austria	39
Bangladesh	23
Bulgaria	37
Canada	19
Chile	11
Denmark	27
Egypt	2
Estonia	5
Fiji	14
Finland	11
France	106
Germany	138
Ghana	48
Greece	7
Hungary	34
Iceland	3
India	124
Ireland	35
Italy	23
Jordan	86
Kenya	7
Malaysia	14
Nepal	18
Netherlands	52
Nigeria	15
Norway	14
Pakistan	106
Poland	51
Portugal	33
Romania	18
Russian Federation	23
Senegal	11
Spain	47
Sweden	54
Switzerland	12
Thailand	4

Tunisia	2
Turkey	31
Ukraine	30
United Kingdom of Great Britain and Northern Ireland	79
United States of America	178
Total	1 602

Note: The number of civilian police monitors varies owing to ongoing contingent rotations.